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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PETER J. VOGGENTHALER; et. al.

Plaintiffs,

vs.

MARYLAND SQUARE, LLC; et. al.

Defendants.

AND RELATED CROSS AND THIRD PARTY
CLAIMS

STATE OF NEVADA, DEPT. OF
CONSERVATION AND NATURAL
RESOURCES, et. al.

Plaintiff,

vs.

MARYLAND SQUARE SHOPPING CENTER,
LLC, et. al.

Defendants.

AND RELATED THIRD PARTY CLAIMS

Case No.: 2:08-cv-01618-RCJ-GWF

**ORDER RE:
DEFENDANTS' EMERGENCY MOTION
FOR STAY OF EXECUTION OF
JUDGMENT PENDING APPEAL (FRCP
62(d)) [503]**

CONSOLIDATED WITH:

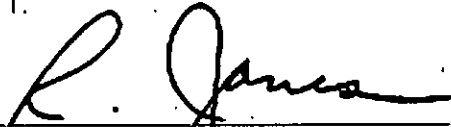
Case No.: 3:09-cv-231-RCJ-GWF

1 This matter came before the Court on Defendants and Third Party Plaintiffs
2 Maryland Square Shopping Center, LLC, the Herman Kishner Trust d/b/a Maryland Square
3 Shopping Center and Irwin Kishner, Jerry Engel and Bank of America, as Trustees for The
4 Herman Kishner Trust (collectively hereinafter the "Kishner Defendants") Emergency Motion
5 for Stay of Execution of Judgment Pending Appeal pursuant to Fed R. Civ. P. Rule 62(d)
6 ("Motion") (#503) and Maryland Square, LLC's Joinder to Kishner Defendants' Emergency
7 Motion for Stay of Execution of Judgment Pending Appeal pursuant to Fed R. Civ. P. Rule 62(d)
8 ("Joinder") (#508).

9 The Court heard oral argument on the foregoing Motion and Joinder on
10 November 5, 2010. As a result, the Court ordered the Kishner Defendants to post a supersedeas
11 bond in the amount of \$226,000. Further, the Court found good cause to issue a stay of
12 execution of the judgment entered for costs in the amount of \$224,932.64 upon the posting of a
13 supersedeas bond in the amount of \$226,000. Accordingly,

14
15 **IT IS HEREBY ORDERED**, that the Kishner Defendants' Motion and
16 Maryland Square, LLC's Joinder is granted. Upon the posting of a supersedeas bond in the
17 amount of \$226,000, pursuant to Federal Rule of Civil Procedure 62(d), a stay of execution of
18 judgment pending appeal is granted as to the judgment entered for costs in the amount of
19 \$224,932.64 (#486) in this action pending final resolution of the appeals of the Kishner
20 Defendants (#500) and Maryland Square, LLC (#502) to the United States Court of Appeals for
21 the Ninth Circuit.

22 DATED this 3rd day of January, 2011.

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25 ROBERT C. JONES
26 United States District Judge
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